

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOEL K. PARKER,

Defendant.

Case No.: 2:06-cr-00109-GMN-LRL-1

**ORDER**

Pending before the Court is Defendant Joel Parker’s (“Defendant’s”) Motion to Extend Time to Reply, (ECF No. 203) and Second Motion to Extend Time to Reply, (ECF No. 204).<sup>1</sup> For the reasons discussed below, the Court **DENIES** Defendant’s Motions to Extend Time to Reply

Defendant, in both motions, requests an extension to file a response to the Court’s prior Order denying Defendant’s Motion for Reconsideration, (ECF No. 199). (*See* Mot. Extend Time Reply, ECF No. 203); (Second Mot. Extend Time Reply, ECF No. 204). Specifically, Defendant seeks an extension to file a Motion to Amend Judgment under Federal Rule of Civil Procedure 59(e). (*See id.*). Under Rule 59 (e), “a motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.” *See* Fed. R. Civ. Pro. 59(e). The Federal Rules of Civil Procedure additionally state that “[a] court must not extend the time to

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<sup>1</sup> The Court is obligated to hold a pro se litigant to a different standard than a party who is represented by counsel. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). The pleadings of a pro se litigant are “to be liberally construed” and “however inartfully pled, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Id.* (quoting *Estelle v. Gamble*, 429 U.S. 97 (1976)). However, the pro se litigant “should not be treated more favorably” than the party who is represented by counsel. *Jacobsen v. Filler*, 790 F.2d 1362, 1364 (9th Cir. 1986).


1 act under Rule [59(e)].” *See* Fed. R. Civ. Pro 6(b)(2). Here, the Honorable Philip M. Pro  
2 sentenced Defendant over ten years ago—in October 2010. (*See* J., ECF No. 160). Defendant’s  
3 Motion to Amend Judgment pursuant to Federal Rule of Civil Procedure 59(e) is thus untimely.  
4 Pursuant to FRCP 6(b)(2), an extension is improper. Indeed, Defendant fails to provide any  
5 caselaw or support justifying an extension under Federal Rule of Civil Procedure 59(e).

6 Even if the Court considered extending the deadline to file a Motion to Amend  
7 Judgment, the Ninth Circuit already denied Defendant’s request for a certificate of  
8 appealability. “A second or successive § 2255 petition may not be considered by the district  
9 court unless petitioner obtains a certificate authorizing the district court to do so.” *Alaimalo v.*  
10 *United States*, 645 F.3d 1042, 1054 (9th Cir. 2011) (citing 28 U.S.C. § 2255(h)). Here,  
11 Defendant is again attacking the merits of the Court’s previous decision concerning his 2255  
12 petition. Defendant explicitly states that he “intends to file a *motion for reconsideration* as  
13 under Federal Rule [of] Civil Procedure Rule 59(e) to which is; Motion to Alter or Amend a  
14 Judgment.” (*See* Mot. Extend Time Reply at 1) (emphasis added). As the Court stated in its  
15 Order denying Defendant’s Motion for Reconsideration under Rule 60(b), “[w]ithout a  
16 certificate of appealability, the Court cannot consider Defendant’s second or successive Section  
17 2255 Motion.” (Order Denying Mot. Reconsideration 3:20–22, ECF No. 199).

18 Accordingly,

19 **IT IS HEREBY ORDERED** that Defendant’s Motion to Extend Time to Reply, (ECF  
20 No. 203), and Defendant’s Second Motion to Extend Time to Reply, (ECF No. 204), are  
21 **DENIED**.

22 **DATED** this 25 day of May, 2022.

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Gloria M. Navarro, District Judge  
UNITED STATES DISTRICT COURT